



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                 |             |                      |                     |
|-----------------|-------------|----------------------|---------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|

09/334,256 06/16/99 RICHARDSON

S M3653.0001/P

LM01/0908  
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP  
2101 L STREET NW  
WASHINGTON DC 20037-1526

EXAMINER

THOMPSON JR, F

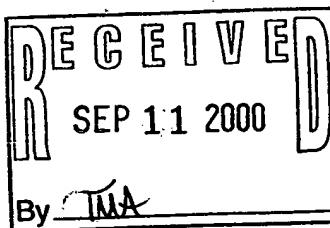
ART UNIT

PAPER NUMBER

2765

DATE MAILED:

09/08/00



Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RESP Due  
Docketed  
Client/Matter# M3653.0001/P001 Atty JDG/  
Due Date 12-08-00 (OK)  
Final Deadline 3-08-2001 (3X)  
DKTD By TWA  
R/C 9-22-00  
Qme 9/12/00

703-  
308-1065

BEST AVAILABLE COPY

# Office Action Summary

Application No.  
09/334,256

Applicant(s)  
RICHARDSON et al.

Examiner  
Forest Thompson Jr.

Group Art Unit  
2765



☒ Responsive to communication(s) filed on Jun 16, 1999

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-10 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Jun 16, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2765

### DETAILED ACTION

1. Claims 1-10 have been examined.

#### *Drawings*

2. The drawings filed on 16 June 1999 are objected to by the Draftsperson (see the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: ~~fig. 1 and 2: #1, 2, 3, and 4~~; fig. 5: ~~#24~~; fig. 6: ~~#38~~; ~~fig. 7: #52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, and 81~~; fig. 9: ~~#106, 108, and 110~~; ~~fig. 10: #124 and 130~~. These reference signs are on the drawings noted, but are not included in the description of the identified drawings in the specification. Correction is required.

#### *Claim Objections*

4. Claim 8 is objected to because of the following informalities: on pg. 26 line 10, applicant states "computing an risk factor." On pg. 26 line 10, "computing an risk factor" should be changed to "computing a risk factor" for clarity and proper grammar.

Art Unit: 2765

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Applicant has become his own lexicographer and defined his own terms for features of his invention. For clarity and use in this examination, examiner uses the following definitions for the indicated terms, based on their definition/discussion in the specification:

- **tasking horizon** - the farthest point in time in the future where a manager believes a task will be completed as planned (pg. 8). Examiner interprets this to be synonymous with *planned end of task date* or *planned task completion date*.
- **verb** - designed to capture the type of dialogue that a worker would use to explain why a task was or was not started and/or completed as planned (pg. 12), or used to classify the reasons for churn, or in other words the reason for why the task was performed as planned or not performed as planned (pg. 14).
- **churn** - the movement of tasks in relation to the tasking horizon (pg. 8), or the difference between the planned start and stop dates and the actual start and stop dates (pg. 14)..

Art Unit: 2765

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by William R. Duncan, "A Guide to the Project Management Body of Knowledge," Project management Institute, 1996, hereafter referred to as **Duncan**.

As per claims 1 and 9, **Duncan** discloses:

- breaking a project into multiple tasks, wherein there is at least a first task and a second task (pg. 30-32, para. 3.3.2; pg. 59, para. 6.1);
- selecting a tasking horizon (pg. 30-32, para. 3.3.2; pg. 170 ), described as target finish date and schedule development;
- selecting at least two verbs for said first task (pg. 46, para. 4.3.3.3), where verbs are encompassed by lessons learned;
- selecting at least two verbs for said second task (pg. 46, para. 4.3.3.3), where verbs are encompassed by lessons learned;
- assigning said first task to a first task assignment station (pg. 97, para. 9.1.3.1-4);
- assigning said second task to a second task assignment station (pg. 97, para. 9.1.3.1-4);
- receiving a predicted start date and a predicted completion date for said first task from said first task assignment station (pg. 31; fig. 3-5 [6.3]), which is disclosed as activity duration estimating;
- receiving a predicted start date and a predicted completion date for said second task from said second task assignment station (pg. 31; fig. 3-5 [6.3]), which is disclosed as activity duration estimating;

Art Unit: 2765

- receiving an actual start date and a verb for said first task (pg. 31; fig. 3-5 [6.4]; pg. 159), which is disclosed as schedule development, activity definition and actual start date, respectively;
  - receiving an actual start date and a verb for said second task (pg. 31; fig. 3-5 [6.4]; pg. 159), which is disclosed as schedule development, activity definition and actual start date, respectively;
  - comparing said predicted start date said actual start date (pg. 107-108, para. 10.3; pg. 109 fig. 10-2; pg. 110 fig. 10-3; pg. 113, para. 11.1.1);
  - computing churn of said first task (pg. 107-108, para. 10.3; pg. 109 fig. 10-2; pg. 110 fig. 10-3; pg. 113, para. 11.1.1);
  - computing churn for said second task (pg. 107-108 para. 10.3; pg. 109 fig. 10-2; pg. 110 fig. 10-3; pg. 113 para. 11.1.1);
  - computing a risk factor for said first task (pg. 115-118, para. 11.2; fig. 11-1; fig. 11-2);
- and
- computing a risk factor for said second task (pg. 115-118, para. 11.2; fig. 11-1; fig. 11-2).

As per claim 2, discloses classifying said received verb as employee dependent (pg. 95, para. 9.1.1.2-3).

As per claim 3, discloses classifying said received verb as task dependent (pg. 61-62 para. 6.1.3).

Art Unit: 2765

As per claim 4, discloses classifying said received verb as environment dependent (pg. 61-62 para. 6.1.3).

As per claim 5, discloses computing a risk factor based at least in part on said computed churn (pg. 115-118, para. 11.2; fig. 11-1; fig. 11-2).

As per claim 6, discloses computing a risk factor based at least in part on said received verb (pg. 115-118, para. 11.2; fig. 11-1; fig. 11-2).

As per claim 7, discloses:

- comparing said tasks of said project to previously performed tasks (pg. 113, para. 11.1.1.3);
- extracting previously performed task completion data (pg. 113, para. 11.1.1.3); and
- computing an expected task completion time based at least in part on said previously performed task completion data (pg. 113, para. 11.1.1.3).

As per claim 8, discloses

- comparing said tasks of said project to previously performed tasks (pg. 113, para. 11.1.1.3);
- extracting a risk factor associated with said previously performed tasks (pg. 113, para. 11.1.1.3); and

Art Unit: 2765

- computing a risk factor based at least in part on said extracted risk factor (pg. 115-117, para. 11.2; fig. 11-2).

As per claim 10, discloses:

- a management module for:
  - breaking a project into tasks (pg. 30-32, para. 3.3.2);
  - selecting a tasking horizon (pg. 30-32, para. 3.3.2; ), through schedule development; and
  - assigning at least two verbs for at least one of said tasks (pg. 30-32, para. 3.3.2), through activity definition and activity sequencing;
- a task assignment station (pg. 96, fig. 9-2) for:
  - receiving said at least one task (pg. 42, para. 4.21.3), through responsibility assignments and project planning;
  - entering a predicted start date for said at least one task (pg. 42, para. 4.21.3), through establishing a scheduled start date; and
  - entering an actual start date (pg. 157; pg. 159; pg. 70; fig. 6-7 and 6-8), through representation of activity/project dates on graphs and charts;
- said management module and said assignment station are operationally connected (pg. 8-9-10, para. 1.4-5; fig. 1-2); and
- said management module:



Art Unit: 2765

-- receives predicted start date and said actual start date (pg. 31; fig. 3-5 [6.3]; pg. 31; fig. 3-5 [6.4]; pg. 159); and

-- computes a churn (pg. 107-108, para. 10.3; pg. 109 fig. 10-2; pg. 110 fig. 10-3; pg. 113, para. 11.1.1).

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and includes:

- **Miller** (U.S. Patent No. 6,101,481) discloses a method of managing a plurality of tasks to be carried out by a plurality of personnel, each of the tasks having identified task details relevant thereto.
- **Levinson** (U.S. Patent No. 6,047,260) discloses a method for intellectually planning comprising the steps of receiving a plurality of tasks that a user needs to perform.
- **Lautzenheiser et al.** (U.S. Patent No. 6,023,572) discloses a system and method for modeling activities of people in an organization.
- **Huemoeller et al.** (U.S. Patent No. 5,855,006) discloses a system to access data from various sources to provide the user with information that is required to enable the user to conveniently and expeditiously schedule activities.
- **Knudson et al.** (U.S. Patent No. 5,765,140) discloses a dynamic project management system to identify a personnel resource pool including a plurality of users.

Art Unit: 2765

- **Breslin** (U.S. Patent No. 5,321,610) discloses a process for developing an integrated implementation product for implementing large packaged application software which produces four components to speed the implementation of large application software into a user company's computer system.
- **Chapman et al.** (U.S. Patent No. 5,255,181) discloses a method for translating complex process flow networks into plans or schedules for the manufacturing of products or the performance of organizational activities.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forest Thompson whose telephone number is (703) 306-5449. The examiner can normally be reached Monday-Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 305-9708.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/334,256

Page 10

Art Unit: 2765

17  
September 1, 2000 /FOT

*M. Kemper*

MELANIE A. KEMPER  
PRIMARY EXAMINER